

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FARONDA DAVIS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:18-CV-00441-AGF
)	
FIDELITY INFORMATION CORP., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion to compel discovery in aid of execution, pursuant to Federal Rule of Civil Procedure 69. ECF Nos. 23, 24. For the reasons set forth below, Plaintiff will be directed to supplement her motion.

The record in support of the present motion reflects that on December 11, 2018, counsel for Plaintiff sent, via First Class Mail, a letter to Fidelity Information Corporation enclosing post-judgment written discovery and a copy of the Court's Order of Default Judgment. ECF No. 24-1. Counsel then filed the present motion to compel on December 27, 2018.

Federal Rule of Civil Procedure 69(a) permits judgment creditors to conduct full post-judgment discovery to aid in execution of a judgment. Fed. R. Civ. P. 69(a)(2); *Credit Lyonnais, S.A. v. SGC Intern., Inc.*, 160 F.3d 428, 430 (8th Cir. 1998). Rule 69(a) applies the normal procedure of conducting discovery to post-judgment discovery requests. Fed. R. Civ. P. 69(a)(2). For instance, responses to written discovery must comply with the requirements of Rules 33 and 34, including the time to respond and waiver of objections if not timely raised. *BancorpSouth Bank v. RWM Properties II*,

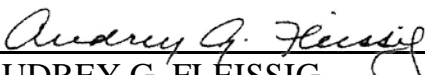
LLC, No., No. 4:11CV373, 2012 WL 3939972, at * 1 (E.D. Mo. Sept. 10, 2012)

(applying Rules 33 and 34 to post-judgment discovery requests).

Here, it appears that Plaintiff has filed her motion to compel before the 30-day response period had passed. Thus, it is not clear to the Court whether Fidelity Information Corporation timely filed responses or objections, as provided for under the Federal Rules of Civil Procedure.

Accordingly,

IT IS HEREBY ORDERED that, on or before **January 30, 2019**, Plaintiff will supplement her motion to compel, advising the Court whether any response or objection to written discovery was provided by Fidelity Information Corporation. Further, Plaintiff should attempt to resolve any such dispute, in good faith, and advise the Court of the result of such efforts.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of January, 2019.